

# **Compliance Assurance Assistance for U.S. EPA, Region 9 Tribal Programs: 2007 Funding Guidance (Revised)**

## **A. Summary Information**

The U.S. EPA Region 9 is issuing guidance for the Tribal Compliance Assurance Program. Region 9 anticipates awarding approximately a total of \$150,000 in grants and/or cooperative agreements. Region 9 anticipates awarding 1 to 3 grants and/or cooperative agreements ranging in size from approximately \$30,000 to \$90,000. Eligible applicants are federally-recognized tribal governments in the Region 9 geographic area and intertribal consortia representing Tribes in the Region 9 geographic area.

The funding supports Tribal compliance activities including inspections for compliance with tribal laws, investigations, regulatory training, compliance assistance, outcome measurement, public education and outreach and studies relating to the causes, effects, extent, prevention, reduction and elimination of pollution. Priority projects, under the Office of Enforcement and Compliance Assurance, include protection of public health in Indian Country (including Tribal schools) for drinking water, solid waste, or other Tribal environmental priorities. Grants and/or cooperative agreements will be awarded under the following authorities: Clean Water Act, Section 104; Federal Insecticide, Fungicide, and Rodenticide Act Section 20; Clean Air Act, Section 103; Solid Waste Disposal Act, Section 8001; Safe Drinking Water Act, Section 1442; Toxic Substances Control Act, Section 10; Marine Protection, Research and Sanctuaries Act, Section 203; Indian Environmental General Assistance Program Act, 42 U.S.C. §4368b. A non-federal match is not required for this program.

Catalog of Federal Domestic Assistance Number: 66.310

## **B. Important Date to Remember:**

**April 18, 2007**-- Proposals must be received by EPA. Late proposals will not be reviewed.

## **C. Detailed Program Information**

EPA Region 9 is issuing guidance for the Tribal compliance assurance programs. The funding supports Tribal compliance activities including inspections for compliance with tribal laws, investigations, regulatory training, compliance assistance, outcome measurement, public education and outreach and studies relating to the causes, effects, extent, prevention, reduction and elimination of pollution. Priority projects under the Office of Enforcement and Compliance Assurance, include protection of public health in Indian Country for drinking water, tribal schools, solid waste, or other Tribal environmental priorities. Grants and/or cooperative agreements will be awarded under the following authorities: Clean Water Act, Section 104; Federal Insecticide, Fungicide, and Rodenticide Act Section 20; Clean Air Act, Section 103; Solid Waste Disposal Act, Section 8001; Safe Drinking Water Act, Section 1442; Toxic Substances Control Act, Section 10; Marine Protection, Research and Sanctuaries Act, Section

203; Indian Environmental General Assistance Program Act, 42 U.S.C. §4368b. A non-federal match is not required for this program.

The public health and environmental protection focus of the project must relate to compliance assistance, compliance assurance, and enforcement of environmental regulations with respect to tribal drinking water, tribal schools, and solid waste disposal on tribal lands. In addition, these activities should relate to the gathering or transferring of information or advancing the state of knowledge. Grant proposals should emphasize this “learning” concept, as opposed to “fixing” an environmental problem via a well-established method. Demonstrations generally must involve new or experimental technologies, methods, or approaches, where the results of the project will be disseminated so that others can benefit from the knowledge gained in the demonstration project. A project that is accomplished through the performance of routine, traditional, or established practices, or a project that is simply intended to carry out a task rather than transfer information or advance the state of knowledge, however worthwhile the project might be, is not a demonstration.

EPA is interested in funding projects which also address long term compliance of environmental regulations through increased awareness of and behavior changes by the regulated community, e.g., the use of a community-based social marketing (CBSM) approach. This approach entails research, barrier identification, identification and development of solutions, outreach and partnerships. Projects with transferability and a communication plan to make that transfer to other potentially interested parties will be considered within the funding factors (see section V).

These funds are available to improve the quality of environmental data, train tribal environmental professionals on the legal and technical aspects of compliance and enforcement issues, enhance tribal inspector capacity through specialized inspector training, and address compliance issues associated with solid waste, tribal schools, and public water systems.

Please note that research is not eligible for funding.

All projects should have an anticipated start date of October 1, 2007. Proposed project periods may be up to two (2) years.

### **1. Linkage to EPA Strategic Plan**

These sources of funding are distributed as part of EPA’s Operating Funds under Goal 5 - Compliance and Environmental Stewardship, Objective 5.1 - Improve Compliance, Sub-objective 5.1.1 - Compliance Assistance, Sub-objective 5.1.2 - Compliance Incentives, and Sub-objective - 5.1.3 Monitoring and Enforcement which improve environmental performance through compliance with environmental requirements, preventing pollution, and promoting environmental stewardship; protect human health and the environment by encouraging innovation and providing incentives for governments, business and the public that promote environmental stewardship.

EPA’s Strategic Plan can be found on the following web page:  
<http://www.epa.gov/ocfo/plan/plan.htm>

## 2. Environmental Results

Pursuant to EPA Order 5700.7, “*Environmental Results under EPA Assistance Agreements*,” EPA requires that all grant recipients adequately address environmental outputs and outcomes. Outputs and outcomes differ both in their nature, and in how they are measured.

**Outputs:** The term “output” means an environmental activity, effort, and/or associated work products related to an environmental goal and objective, that will be produced or provided over a period of time or by a specified date. Outputs may be quantitative or qualitative but must be measurable during an assistance agreement funding period. Examples of outputs from the agreements awarded under the Tribal Compliance Assurance Program may include but are not limited to: compliance assistance workshops directed towards community or industry sector to improve compliance through increased knowledge; regulatory training for compliance personnel; a study to identify cause(s) of pollution and process to reduce or eliminate pollution.

**Outcomes:** The term “outcome” means the result, effect or consequence that will occur from carrying out an environmental program or activity that is related to an environmental or programmatic goal or objective. Outcomes may be environmental, behavioral, health-related or programmatic in nature, but must be quantitative. They may not necessarily be achievable within an assistance agreement funding period. Proposed projects are expected to accomplish various environmental outcomes to the extent practicable and include various environmental outputs. Examples of outcomes from the agreements to be awarded under the Tribal Compliance Assurance Program may include but are not limited to: number of workshop attendees with increased knowledge of workshop attendees regarding compliance; increased number of compliance personnel with knowledge of regulatory process and ability to regulate; report of cause(s) of pollution and processes to reduce or eliminate pollution.

## 3. Program Authorities

The Tribal Priority starts from the premise that compliance assurance and enforcement pertaining to drinking water and waste management are significant focus areas. These resources may also be made available for other, targeted compliance assurance and enforcement activity in Indian country, including Tribal Schools, if the areas identified are of higher concern from a regional perspective.

These activities are authorized by the following statutes:

Clean Water Act, Section 104(b) (3): conduct and promote the coordination and acceleration of research, investigations, experiments, training, demonstrations, surveys, and studies relating to the causes, effects, extent, prevention, reduction, and elimination of water pollution.

Safe Drinking Water Act, Section 1442(c)(3)(A): develop, expand, or carry out a program (that may combine training, education, and employment) for training persons for occupations relating to the public health aspects of providing safe drinking water including underground injection control (UIC).

Solid Waste Disposal Act, Section 8001(a): conduct and promote the coordination of research, investigations, experiments, training, demonstrations, surveys, public education programs, and studies relating to solid waste (e.g., health and welfare effects of exposure to materials present in solid waste and methods to eliminate such effects).

Clean Air Act, Section 103(b) (3): conduct research, investigations, experiments, demonstrations, surveys, and studies relating to the causes, effects (including health and welfare effects), extent, prevention, and control of air pollution.

Toxic Substances Control Act, Section 10(a) as amended by Public Law 106-74: conduct research, development, monitoring, public education, training, demonstrations, and studies on toxic substances.

Federal Insecticide, Fungicide, and Rodenticide Act, Section 20(a) as amended by Public Law 106-74: conduct research, development, monitoring, public education, training, demonstrations, and studies on pesticides.

Indian Environmental General Assistance Program Act, 42 U.S.C. §4368b: Activities eligible for funding under this program are those for planning, developing, and establishing capability to implement environmental protection programs including development of solid and hazardous waste programs.

#### **D. Detailed Award Information**

EPA Region 9 anticipates awarding approximately \$150,000 in grants and/or cooperative agreements. EPA Region 9 anticipates awarding 1 to 3 grants and/or cooperative agreements ranging in size from approximately \$30,000 to \$90,000. If cooperative agreements are awarded, EPA will have substantial involvement with the project work plans and budgets. Substantial involvement includes developing work plans jointly between EPA and grantee, prior review or approval by the EPA of project phases or the substantive provisions of proposed contracts found within the scope of the agreement, reviewing progress through meetings and conference calls and generally a closer relationship between the project officer at EPA and the grant manager for the Tribe.

EPA reserves the right to reject all applications and make no awards under this announcement or make fewer awards than anticipated.

#### **E. Eligibility Factors**

##### **1. Eligible Applicants**

The following governments and intertribal consortia are eligible to apply: federally-recognized tribal governments in the Region 9 geographic area and intertribal consortia representing Tribes in the Region 9 geographic area.

##### **2. Minimum Eligibility Factors**

To be eligible, applicants and proposed projects will need to meet all of the following factors. Factors will be applied on a pass/fail basis. Failure to meet any of them will render an application ineligible; ineligible applications will not be reviewed. Please note there are

no limitations on the number of unique applications that an applicant may submit. Applicants who do not meet any one of the eligibility factors below will be notified within 15 business days of EPA making such a determination.

Factor 1: Geographic Focus

The project must take place in EPA Region 9 Indian Country.

Factor 2: Allowable Activities (see Section C, for more information)

The project must consist of activities authorized under one or more of the following EPA grant authorities:

- Clean Water Act, Section 104(b) (3),
- Safe Drinking Water Act, Section 1442(c)(3)(A),
- Solid Waste Disposal Act, Section 8001(a),
- Clean Air Act, Section 103(b) (3),
- Toxic Substances Control Act, Section 10(a)
- Federal Insecticide, Fungicide, and Rodenticide Act, Section 20(a); and
- Indian Environmental General Assistance Program (GAP) Act, 42 U.S.C. 4368b.

Factor 3: Environmental Focus

The public health and environmental protection focus of the project must relate to compliance assistance, compliance assurance, and enforcement of environmental regulations with respect to tribal drinking water, tribal schools, and solid waste disposal on tribal lands. A proposal may include other environmental priorities identified by the tribe and must be covered by the authorities authorized in the statutes specified under Factor 2 above.

## **F. Proposal Submission Information**

Proposals must be limited to five pages, single-spaced. Font size must be no smaller than 12. If proposals exceed five pages, only the first five pages of the proposal will be considered in the review process; however, see below for exception to the 5 page maximum length. Full application packages must not be submitted at this time.

### **1. Content and Form of Proposal Submission.**

The following format should be used for all proposals:

- a. Name of Project
- b. Point of contact (Individual and Organization Name, Address, Phone Number, Fax Number, E-mail Address)
- c. Description of how the Applicant meets the eligibility factors in Section E.
- d. Description of project geographic area
- e. Amount of proposed funding requested
- f. Description of general budget proposed to support project
- g. Description of project including:
  - i. How the Applicant addresses Funding Factor G.1.
  - ii. How the Applicant addresses Funding Factor G. 2.
  - iii. How the Applicant addresses Funding Factor G. 3.
  - iv. How the Applicant addresses Funding Factor G. 4.

## **2. Submission Date and Time via Mail:**

Proposals must be received by EPA Region 9 by **April 18, 2007**. **Late Proposals will not be reviewed. Email submissions will not be accepted.**

Please send one hardcopy proposal to:

**Kate Nooney  
U.S. EPA Region 9 (OPA-1)  
75 Hawthorne St.  
San Francisco, CA 94105**

**Confidential Business Information:** It is recommended that confidential information not be included in the proposals. However, if confidential business information is included, it will be treated in accordance with 40 CFR Part 2. Pursuant to 40 CFR 2.203, applicants must clearly mark applications/proposals or portions of applications/proposals they claim as confidential. EPA will evaluate confidentiality claims in accordance with 40 CFR Part 2, Subpart B. If no claim of confidentiality is made, EPA is not required to make the inquiry to the applicant otherwise required by 40 CFR 2.204(c)(2) prior to disclosure.

## **G. Funding Factors**

EPA will award grants on based the responses to the following funding factors:

1. Please describe your plan for tracking and measuring progress toward achieving expected outputs and outcomes identified in section C. 2. of this Guidance. Measure of success should be either measures of environmental improvement, or should be directly linked to such measures. EPA will look for quantitative and qualitative measurements.
2. Please describe the Tribal Priority strategy to address compliance on tribal lands, improve protection of public health for tribal schools, drinking water and address solid waste or to address other high priority tribal environmental needs, issues, or interests.
3. Please describe your past performance in successfully completing federally projects including whether you were able to complete work plan tasks and deliverables, submit required progress and financial reports in a timely fashion, and comply with all applicable grant conditions.
4. Please describe how you will address long-term compliance issues (for example: community-based social marketing).

## **H. Additional Informaiton**

Assistance agreements with Tribal governments and Tribal Consortia are subject to 40 CFR Part 31 and OMB Circular A-87. Regulations may be viewed at:  
<http://www.epa.gov/ogd/grants/regulations.htm>.

All costs incurred under this program must be allowable under the applicable OMB Cost Circulars. Copies of the circulars can be found at: <http://www.whitehouse.gov/omb/circulars>.

In certain circumstances costs incurred prior to the grant award may be eligible for reimbursement. However, this does not include any costs associated with responding to this solicitation or in finalizing the application package. If costs are incurred before the award, they are incurred at the applicant's or grantee's own risk.

**Funding Restrictions:** Successful applicants will be required to certify that they have not been debarred or suspended from participation in federal assistance awards in accordance with 40 CFR 32. Funding will not be permitted for construction activities, lobbying, entertainment expenses or other unallowable costs under the OMB circulars. Applicants should be aware that they are not authorized to begin performance on a project until they have received their official award document from the EPA's grant office. No pre-award costs may be incurred without EPA approval; pre-award costs are undertaken at the recipient's risk. Allowable costs for Tribes are defined in OMB circular A-87. Any contracts for services or products funded with EPA financial assistance must be awarded under the competitive procurement provisions of 40 CFR Part 31. Sub-awards/sub-grants must be consistent with the definitions of the terms 40 CFR 31.37, Sub-grants as applicable.

**Reporting:** Quarterly project status reports and Financial Status Reports will be required. Quarterly project reports should describe project activities and provide the EPA Project Officer with information about project development. The Financial Status Report must accurately account for all federal funds expended and identify appropriate use of federal funds.

## **I. Agency Contact Information**

For additional information or questions regarding this solicitation, please contact:

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Phone: (415) 947-4266  
Fax: (415) 947-3519  
Email: [nooney.kate@epa.gov](mailto:nooney.kate@epa.gov)